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## **MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 18, 2008**

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, NOVEMBER 18, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

### **THE FOLLOWING MEMBERS WERE PRESENT:**

Dennis J. Nordfelt  
Carolynn Burt  
Joel Coleman  
Corey Rushton  
Steve Vincent  
Mike Winder

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

**ABSENT:** Russ Brooks

### **STAFF PRESENT:**

Paul Isaac, Assistant City Manager  
Richard Catten, City Attorney  
Joseph Moore, CED Director  
Russell Willardson, Public Works Director  
John Evans, Fire Chief  
Buzz Nielsen, Police Chief  
Layne Morris, Community Preservation Director  
Kevin Astill, Parks and Recreation Director  
Don Groo, Acting Finance Director  
Aaron Crim, Administration  
Craig Thomas, Administration  
Jake Arslanian, Public Works Department  
Kelly Davis, Community Preservation Department  
Karen Bird, Community Preservation Department

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### **OPENING CEREMONY**

The Opening Ceremony was conducted by Joel Coleman who led the Pledge of Allegiance to the Flag.

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### **SCOUTS**

Mayor Nordfelt welcomed Scout Troop Nos. 27, 440, 1362, and 1694 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

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### **APPROVE MINUTES OF REGULAR MEETING HELD OCTOBER 28, 2008**

The Council read and considered the Minutes of the Regular Meeting held October 28, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held October 28, 2008, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14289

### **APPROVE MINUTES OF REGULAR MEETING HELD NOVEMBER 4, 2008**

The Council read and considered the Minutes of the Regular Meeting held November 4, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held November 4, 2008, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes

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Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

**14290      EMPLOYEE OF THE MONTH, NOVEMBER, 2008 – ERIC KEPO'O,  
FIRE DEPARTMENT**

Councilmember Burt read the nomination of Eric Kepo'o, Fire Department, as Employee of the Month for November 2008, and presented the award. Mr. Kepo'o had been nominated for his outstanding participation at a Burn Camp at Camp Tracy in Millcreek Canyon, sponsored by the University of Utah.

The City Council congratulated Mr. Kepo'o on his outstanding performance and participation in the Camp.

Mr. Kepo'o addressed the City Council and introduced family members in attendance at the meeting. He also expressed great appreciation to co-workers who were also in attendance.

**14291      EAC QUARTERLY DIVISION AWARD – FIRE DEPARTMENT,  
STATION 71 C SHIFT**

Councilmember Winder presented the EAC Quarterly Division Award to employees of Station 71 C Shift of the Fire Department including:

Chuck Cruz, Engineer/Paramedic  
Rob Huffman, Engineer/Paramedic  
James Simmons, Firefighter  
Cody Kirkham, Firefighter/Paramedic

The City Council offered congratulations to C Shift, Station 71, for their efforts in earning the EAC Quarterly Division Award.

**14292      COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, the following individuals addressed the City Council during the Comment Period:

Billie Daugherty, 2922 South Hadwen Drive, addressed the City Council and stated she was a land owner and taxpayer in West Valley City. Ms. Daugherty read aloud a prepared statement. She indicated she had been a supporter of the

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new animal shelter until becoming aware of a carbon monoxide chamber to be installed to facilitate killing unwanted animals. She stated her shock that the new shelter was going to have a gas chamber as it was outdated and cruel technology. Ms. Daugherty indicated if used properly required on-going training, consistent and regular upkeep, dangerous gas used and was not cost effective, if used properly. She stated that Mr. (Kelly) Davis, a City employee had publicly stated that this is an acceptable form of euthanasia as quoted by the American Veterinarian Medical Association and those guidelines can be found on the shelter's web site. She indicated the guidelines clearly stated the preferred method of euthanasia was via intravenous interjection. An animal should be sedated first if too stressed to use this method. She stated the Humane Society of the United States, American Veterinarian Medical Association, American Society for the Prevention of Cruelty to Animals and the National Animal Control Association endorse intravenous injection. She further stated the National Animal Control Associated endorsed intravenous injection. The Humane Society does not consider carbon monoxide an acceptable method where sodium Phenobarbital can be legally obtained by shelters. She explained according to the Humane Society limitations of carbon monoxide make this method less practical, slower and more expensive than lethal injection. Ms. Daugherty quoted from an article in the Salt Lake Tribune dated November 7, 2008, in which Kelly Davis stated the gas chamber would only be used when animals were diseased, dangerous or feral. She stated in a recent interview on ABC 4, Mr. Davis stated the chamber would only be used in special circumstances, such as an injured animal. She stated the Human Society said it was unacceptable to use carbon monoxide on cats and dogs that are geriatric, under the age of four months, sick or injured or pregnant, as these animals may have physiological issues that may delay the effects of carbon monoxide causing them to experience distress. Ms. Daugherty indicated Kelly Davis' comments were in direct contradiction to many recommendations. She stated carbon monoxide was a highly poisonous, colorless and odorless gas, which was highly toxic to humans. Shelter workers have been injured and killed due to improper handling and malfunction of gas chambers. She cited several incidents in the U.S. in which shelter workers were injured or killed. She questioned why City employees should be subjected to these dangers. Ms. Daugherty indicated Kelly Davis had publicly stated the City intended to use the gas chamber against the recommendations of respected authorities. She questioned what guarantee would be given to West Valley City employees that they would be property trained and follow accepted guidelines for operating this type of chamber. She requested the City not "step backwards" and allow this type of inefficient and inhumane equipment to be installed in the new animal shelter. She indicated the Humane Society had stated it took 45-60 seconds for an animal

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to be rendered unconscious and another two to four minutes to die, a shelter employee must watch, and the animal must be left in the chamber for 30 minutes afterwards. The chamber must be fully exhausted before the animals are removed and it needs to be cleaned.

Lori Epperson, 4540 West 3100 South, addressed the City Council. Ms. Epperson stated she supported building a new shelter, but had been disheartened that the City planned to install a gas chamber in the facility. She stated that a gas chamber took away the humanity that we have as human beings to euthanize animals in such a massive way, that makes us better efficient killers, than to be more human. She indicated there was an exception to wild, injured, feral animals to sedate them to euthanize them. We should not be so willing to euthanize. Ms. Epperson indicated the City should set an example with an animal shelter being a “non-kill” facility. She further stated the City should have an off-leash membership park, to provided funding for the shelter. She also indicated this would be another opportunity for West Valley and Taylorsville citizens to keep the number of animals that they could care for within reason. She stated the City should not install a gas chamber, but use technology to put these animals in “forever homes.”

Kim Sorenson, 4650 South 2910 West, addressed the City Council. Ms. Sorenson related an experience of working in a zoo and the use of a gas chamber for euthanizing animals. She also discussed experience with euthanasia of animals with lethal injection and described that process. She indicated it was a shame the new state of the art animal shelter would have a gas chamber.

Adrianne Sanders, (no address given), addressed the City Council. Ms. Sanders stated the new shelter would be great and expressed her opinion regarding the methods of euthanizing animals. She stated only one percent of shelters in the U.S. use a gas chamber as lethal injection was much more peaceful. The gas chamber is barbaric and more costly. She stated her opinion that there was no use for a gas chamber as it was torturous.

Jimmy Hernandez, 4139 South 4080 West, addressed the City Council. Mr. Hernandez stated his appreciation for the new animal shelter. He was in attendance with Trina Hogge who started an international petition to stop construction of a gas chamber at the shelter. He indicated as of noon today, 898 people had signed the petition. Mr. Hernandez stated the eyes of the city, state, country and world are on West Valley City. Citizens from 43 states and countries deplore the use of gas chambers. The petition was addressed to Governor Huntsman in an effort to have gas chambers banned throughout the state of Utah.

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He indicated the City Council was welcome to a copy of the petition. He informed they would continue their campaign until Utah was free of gas chambers. He stated the City Council had an opportunity to be on the forefront of technology instead of installing an outmoded and expensive system. Mr. Hernandez and Ms. Hogge submitted the petition to Mayor Nordfelt and he stated copies would be made and distributed to all members of the City Council.

John Light, 3769 South 3325 West, addressed the City Council and stated he had been a resident of the community for over 55 years. Mr. Light related an incident he had experienced with carbon monoxide in which he nearly died. He suggested if the gas chamber was administered properly and in a way that did not hurt the animals, it would not be as bad as some people thought.

Jaimie Annis, 3189 South 4355 West, addressed the City Council. Ms. Annis advised she was a veterinary technician and was glad the new shelter was being built. She read aloud quotes from several veterinarians regarding the issue. Ms. Annis stated she had not forgotten an experience in which a gas chamber was used for euthanasia of animals. It was not as easy as the previous speaker said, it was like suffocating and certain animals reacted differently. She stated lethal injection was the recommended way for the American Veterinarian Medical Association as stated in the January 2007 journal. She suggested the City Council consider using the money that would fund a gas chamber be used for additional spay and neutering programs and public education. Ms. Annis also distributed written information to members of the City Council and answered technical questions regarding the process and equipment used for euthanasia at the veterinary clinic in which she worked.

Marlene Alva, 4161 Mann Way, addressed the City Council. Ms. Alba stated we were a caring race of humans and putting animals in a gas chamber would be reducing us to barbarians. She related an incident in which one of her animals was “put down.” She stated we should not be inhumane and use the gas chamber as the new shelter was located in a park where children played. She suggested the City save the cost and give more options for animals to be adopted and to help the whole community. She stated people should treat animals with respect and get them spayed and neutered.

Sloane Harris, 289 East 4575 South, Washington Terrace, addressed the City Council. Ms. Harris stated she was with the Feline Foundation of Utah Cat Rescue and Adoption group. They believe any animal’s last moment should not be filled with panic, terror or pain. Every animal deserved a dignified death and

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lethal injection was by far the better way. She stated if the Council doubted that animals do not suffer in a gas chamber, she would be glad to provide a DVD copy of an actual euthanasia in a gas chamber. It was a real event that was recorded and difficult to watch.

Justin Hobbs, 4168 South 6580 West, addressed the City Council. Mr. Hobbs stated just the words gas chamber seem like a mass killing device. He inquired regarding the reasoning for including the gas chamber in the new shelter. Mayor Nordfelt indicated the citizen comment period was not a forum for discussion.

Upon inquiry by Mayor Nordfelt, Councilmembers Winder and Rushton commented and expressed their personal opinions regarding this issue.

Mayor Nordfelt expressed appreciation to those in attendance who had shared and expressed their thoughts during the comment period. He indicated some of those in attendance may have thought this was an issue the Council would be voting on tonight, however, it is not an issue scheduled on the agenda.

14293

### **RESOLUTION NO. 08-279, APPROVE COOPERATIVE AGREEMENT BETWEEN WEST VALLEY CITY, THE UTAH DEPARTMENT OF TRANSPORTATION AND UTAH TELECOMMUNICATIONS OPEN INFRASTRUCTURE AGENCY (UTOPIA) IN ORDER TO PLACE OVERHEAD COMMUNICATION FACILITIES ON 3500 SOUTH UNDERGROUND**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-279 which would approve a Cooperative Agreement between West Valley City, the Utah Department of Transportation and Utah Telecommunications Open Infrastructure Agency (UTOPIA), in an amount not to exceed \$79,223.14, in order to place overhead communication facilities on 3500 South underground.

Mr. Pyle stated all utility lines on 3500 South between 2700 West and Bangerter Highway would be buried in conjunction with the 3500 South widening project. He also stated West Valley City would pay for all additional costs of placing the lines underground, which exceeded the cost of relocating overhead facilities outside the new roadway.

The City Manager indicated under Utah State law, the Utah Department of Transportation (UDOT) and utility companies each shared 50% of the cost of relocating existing utility lines located on State highways, whenever a widening project necessitated the relocation of the facilities. He further stated placing the

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utility lines underground was considered a betterment to be done at the City's expense. He reported the agreement stated UDOT and UTOPIA would both pay 50% of the estimated cost of relocating the facilities outside the roadway. He stated West Valley City would be obligated to pay all additional costs of placing the lines underground.

Mr. Pyle indicated the final amount of the City's cost would be based on actual costs incurred at the time of construction. Changes or additions to the work would have to be approved by the City in writing, prior to commencement. He reported the City would be required to deposit \$79,223.14 with UDOT upon execution of the agreement.

The City Manager advised the proposed agreement was one of several agreements related to burying utilities on the subject project. He further stated an additional cooperative agreement with UDOT for other costs associated with burying the power lines and other utilities, would also be required. The additional work included removal of existing improvements, trenching, and installation of conduit. He stated there were additional agreements with other utility companies for burying their facilities. He also explained the current estimated cost for all betterment work was within the \$1,500,000 budget.

After discussion, Councilmember Burt moved to approve Resolution No. 08-279, a Resolution Authorizing the Execution of a Cooperative Agreement between West Valley City, the Utah Department of Transportation (UDOT) and Utah Telecommunications Open Infrastructure Agency (UTOPIA) in Order to Place Overhead Communication Facilities on 3500 South Underground. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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14294      **RESOLUTION NO. 08-280, APPROVE RIGHT-OF-WAY AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF GRANTING A QUIT CLAIM DEED FOR A PORTION OF PROPERTY LOCATED AT 2990 WEST AND 3500 SOUTH**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-280 which would approve a Right-of-Way Agreement with the Utah Department of Transportation (UDOT) for the purpose of granting a Quit Claim Deed for a portion of property located at 2990 West and 3500 South.

Mr. Pyle stated the City acquired the subject property in 1997 from Grumpy, Inc. He also stated the Quit Claim Deed would transfer ownership of the property to UDOT to facilitate the 3500 South Widening Project.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-280, a Resolution Authorizing the City to Enter Into a Right-of-Way Agreement with the Utah Department of Transportation for the Purpose of Granting a Quit Claim Deed for a Portion of Property Located at 2990 West and 3500 South. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14295      **RESOLUTION NO. 08-281, ACCEPT A STORM DRAIN EASEMENT FROM COMPASS COURT, L.C. FOR PROPERTY LOCATED AT 1485 WEST 3500 SOUTH, LUND PARK TO BRIGHTON CANAL STORM DRAIN PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-281 which would accept a Storm Drain Easement from Compass Court, L.C. for property located at 1485 West 3500 South regarding the Lund Park to Brighton Canal Storm Drain Project.

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Mr. Pyle stated Compass Court, L.C., owner of the Compass Court Apartments, had provided an easement for the proposed Lund Park to Brighton Canal Storm Drain Project across and through a portion of its site.

The City Manager reported an old existing County 9-inch clay storm drain ran through the subject property and adjacent properties to the east. He also reported the storm drain, known as the “Chicken Coop Drain” was inadequate and extremely difficult to maintain as it ran through back yards and even under a chicken coop. He stated the Lund Park to Brighton Canal Storm Drain Project would realign and replace the existing storm drain with a 30-inch reinforced concrete pipe which would run through the Compass Court Apartments and relocate to 3500 South to discharge into the Brighton Canal. He indicated in order to construct the project an easement in favor of the City would be required.

After discussion, Councilmember Rushton moved to approve Resolution No. 08-281, a Resolution Authorizing the City to Accept a Storm Drain Easement from Compass Court, L.C. for Property Located at 1485 West 3500 South. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, NOVEMBER 18, 2008, WAS ADJOURNED AT 7:30 P.M., BY MAYOR NORDFELT.

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I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, November 18, 2008.

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Sheri McKendrick, MMC  
City Recorder

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